

United States Bankruptcy Court
Eastern District of Virginia
Richmond Division

In re Michael Robert Dickinson

Debtor(s)

Case No. 18-34024-KRH
Chapter 13

Second Motion to Avoid Judicial Lien that Impairs the Debtor's Exemption

1. Debtor, Michael Robert Dickinson, commenced this case on 8/08/18 by filing a voluntary petition for relief under Chapter **13** of Title 11 of the United States Bankruptcy Code.
2. This court has jurisdiction over this motion, filed pursuant to 11 U.S.C. Sec. 522(f) to avoid and cancel a judicial lien held by Union Bank & Trust fka Union First Market Bank on real property used as the debtor's residence, under 28 U.S.C. Sec. 1334.

3. On July 14, 2017, creditors recorded a judicial lien against the following debtor's residence at:

**3717 Patterson Avenue
Richmond, VA 23221**

described as follows:

ALL that certain lot, piece or parcel of land with improvements thereon and appurtenances thereto including the general and limited Common Elements incident thereto, described as Unit 3717 containing 828 square feet, in Mount Vernon Condominium, situated in the City of Richmond, Virginia, as defined and described in the Declaration dated December 14, 1981, and on the plats thereto attached as Exhibits A, B, and C-1 through C-22, which Declaration was recorded on December 15, 1981, in the Clerk's Office, Circuit Court, City of Richmond, Virginia, in Deed Book 790, page 401.

BEING the same real estate conveyed to William A. Pylaris, by Deed of Gift from Fay A. Pylaris, dated March 27, 2007, recorded April 20, 2007, in the Clerk's Office, Circuit Court of the City of Richmond, Virginia, as Instrument No. 070013380; and being previously the same real estate conveyed to Fay A Pylarls, (erroneously spelled Fay A. Pylarlrs) by deed from Myra Liezl C. Burgos, dated June 25, 2002, recorded July 1, 2002, in the aforesaid Clerk's Office, as Instrument No. 020020498.

The said judicial lien is attached as an Exhibit and incorporated herein by this reference and is entered of record as follows:

instrument # 17-011813 recorded on July 14, 2017 in the amount of \$1,185.33 in the Clerk's office of the Circuit Court of the City of Richmond for the judgment obtained in the General District Court of the City of Richmond, case # GV17009203-00.

4. The debtor's interest in the property referred to in the preceding paragraph and encumbered by the lien has been claimed as full exempt in their bankruptcy case. No parties timely objected to the Debtor's claim of Virginia exemptions or his claim of an Exemption in the Property.

5. Kathy E. Sauer, an appraiser with Sauer Appraisal Service LLC appraised the real property located at 3717 Patterson Avenue, Richmond, Virginia on June 29, 2018 as having a value of \$150,000.00. A copy of the appraisal is attached as an Exhibit and incorporated herein by this reference.

6. The existence of **Union Bank & Trust fka Union First Market Bank** lien on debtor's real property impairs exemptions to which the debtor would be entitled under 11 U.S.C. Sec. 522(b).

WHEREFORE, debtor pray for an order against **Union Bank & Trust fka Union First Market Bank** avoiding and canceling the judicial lien in the above-mentioned property, and for such additional or alternative relief as may be just and proper.

Michael Robert Dickinson

By Counsel

Date **9.9.2022**

Signature /s/ Sharon Choi Stuart
Counsel for Debtor
Sharon Choi Stuart
Stuart Law Firm, LLC
8002 Discovery Drive, Suite 422
Henrico, VA 23229
(804) 221-2162
VSB #45026

CERTIFICATE OF SERVICE

I, Sharon Stuart, certify that on September 9, 2022 a copy of the foregoing document was served either electronically through the Court's CM/ECF system or via either first-class mail or certified mail to the following parties in interest:

Via Certified Mail to:
Ronald L. Tillett, CEO
Union Bank & Trust
c/o Atlantic Union Bank
1051 E. Cary Street, Ste 1200
Richmond, VA 23219

Via CM/ECF Notification to:
Carl M. Bates, Esquire
Chapter 13 Trustee
P.O. Box 1819
Richmond, VA 23218

/s/ Sharon Stuart

Sharon Stuart, Counsel for Debtor

Order to Avoid Judicial Lien on Real Estate

The motion of the above-named debtor, **Michael Robert Dickinson**, to avoid lien of the respondent, **Union Bank & Trust fka Union First Market Bank** is sustained.

It is hereby ORDERED and DECREED that the judicial lien held by **Union Bank & Trust fka Union First Market Bank**, in and on debtor's residential real estate at **3717 Patterson Avenue, Richmond, VA 23221** entered of instrument # **17-011813 in the City of Richmond's Circuit Court** be hereby canceled.

It is further ORDERED that unless debtor's bankruptcy case is dismissed, **Union Bank & Trust fka Union First Market Bank** shall take all steps necessary and appropriate to release the judicial lien and remove it from the local judgement index.

Date _____

U.S. BANKRUPTCY JUDGE